

MEMORANDUMS,

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MEMORANDUMS



fr Britain & Ireland - Army
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MEMORANDUMS, &c. &c.

RESPECTING THE

UNPRECEDENTED TREATMENT

WHICH THE ARMY HAVE MET WITH

RESPECTING PLUNDER TAKEN AFTER A SIEGE,

AND OF WHICH PLUNDER

THE NAVY SERVING WITH THE ARMY

DIVIDED THEIR MORE THAN AMPLE SHARE,

NOW FOURTEEN YEARS SINCE.

L O N D O N

1794.

MEMORANDUM, &c. &c.

RESPECTING THE

UNEXPECTED DEATH OF

WHICH THE ARMY MET WITH

RESPECTING THE DEATH OF A SOLDIER

AND OF HIS MUSEUM



THE MUSEUM OF THE ARMY

PAID THIS MORE THAN A HALF OF

NOW FOURTEEN YEARS SINCE

LONDON

1794

Memorandums, &c. &c. respecting the unprecedented Treatment which the Army have met with respecting Plunder taken after a Siege, and of which Plunder the Navy serving with the Army divided their more than ample Share, now 14 Years since.

SIR HENRY CLINTON, having been appointed, by his Majesty, his sole Commissioner to his Revolted Colonies, and the Commander in Chief of his Armies, conceived it derogatory to the high situation in which he was placed, to have any concern in the Prizes, or Plunder, taken in such a War. At the Siege of Charles Town, from a desire of acting upon the most liberal principle with the Navy, Sir

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Henry

Henry Clinton sent Colonel Webster to acquaint the Admiral of a considerable quantity of stores, of all sorts, left on certain deserted plantations, and to offer to the Navy a share, although, in strictness, they could have no claim, as the stores were not even on any branch of any river which had communication with the sea; and that gentleman was at the same time desired to inform Admiral Arbuthnot, that, for the above mentioned reasons, Sir Henry Clinton neither could, nor would take any share.

With the approbation of the Admiral, and Sir Henry Clinton, certain Officers of the Navy, deputed by the Navy, met the Field Officers of the Army after the Siege, to determine their respective shares. The Navy, not being much more than one fourth

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in number, claimed one half; the Army, not considering this quite equitable, it was, by consent, referred to Lord George Germaine, to be laid before the King, in Council; and I understand Sir A. Hanmore had been deputed by the Admiral as Colonel Bruce was by the Army.

Being informed in May, 1781, that his Majesty had not determined the share the Army was entitled to, but that, notwithstanding a part of the money arising from the sale of the above captured property, which the Agent of the Navy, a Mr. Green, the Admiral's Secretary and Purser, had got possession of, had been divided among the Navy, serving on that Expedition, I had some conversation with the Admiral, which occasioned the following correspondence between us:

*Copy of a Letter from Sir Henry Clinton,
to Lord George Germaine, dated Charles
Town, June, 3, 1780.*

MY LORD,

THE Rebel Ships of War, and other property afloat, which was surrendered by the Capitulation of Charles Town, and also several small vessels, laden with merchandize, military stores, and other property, belonging to the Rebels, which were captured by the Troops, previous to that event, having been delivered to the person's appointment to receive them, some of the Officers of the Navy and Army met, by the direction of the Admiral and myself, to settle and agree upon such partition and division as might be equitable between the two services; but, as they differed in their opinions,

nions, it was unanimously agreed, to submit the matter to his Majesty, and humbly to request his determination upon it. From the correspondence which passed between these gentlemen, a copy of which I have the honour to inclose, your Lordship will perceive that the Navy demand full half of the produce of the whole, which, considering the difference of numbers in the Officers and Men, would render the portion of Individuals, in their several corresponding ranks, four times greater in the one service than in the other.

This, when the joint operation was a Siege where the Army must have had their full share of duty, appears rather too unfavourable a division towards them.

I have the honour to be, &c. &c.

HENRY CLINTON.

Extract

Extraet of a Letter from Lord George Germaine, in answer to Sir Henry Clinton, on the Subject of an Application to his Majesty, on the Division of Prize Money arising from the Captures made on the Expedition to South Carolina, and Siege of Charles Town.

THE claims of the Army and Navy respecting prize effects taken at Charles Town being so wide of each other, no agreement is likely to take place between the Agents, and therefore both parties are preparing to request his Majesty in Council to decide the matter, whenever the subject comes under consideration at the Council Board. I shall not fail to communicate to their Lordships your separate dispatch relating to it.

(Signed) G. G.

New York, May 1, 1781.

SIR,

IN consequence of the conversation I had with your Excellency a few days ago relative to the distribution of the prize money collected upon the Surrender of Charles Town, I was in hopes to have been favoured with your sentiments upon the subject, and to have been informed what expectations the Army might have reason to entertain with respect to that matter; but, to my surprize, I have been told that three fourths of it hath been already distributed amongst the Navy, without any regard to the claims of the Army, or to the proposition contained in the answer of the gentlemen appointed to represent the Navy to refer the division of the whole prize property to his Majesty,

jesty, and which was acceded to on the part
 of the Army, because your Excellency de-
 clined to interfere with respect to the dis-
 tribution, declaring that your opinion of
 the proposal of referring it to the King
 was so firmly fixed, that your determina-
 tion was unalterable. I assure your Ex-
 cellency, it is with much regret I trouble
 you upon this subject, but I conceive the
 respect due to the King, whose directions
 I have requested upon this matter, as well
 as justice to the poor soldiers, to whom
 every small pittance in this harassing ser-
 vice is a seasonable relief, calls upon me
 to request that your Excellency will be
 pleased to communicate to me the reasons,
 if you are acquainted with them, which
 have occasioned the distribution of this
 booty, before his Majesty's pleasure hath
 been

been signified with respect to it, and contrary to the proposals of those gentlemen who appeared as representatives for the Navy.

I have the honour, &c.

Vice Admiral
ARBUTHNOT:

(Signed) H. CLINTON.

ROYAL OAK off STATEN ISLAND, May 4, 1781.

SIR,

I thought that I had explained to your Excellency the reason why I could give no opinion with respect to the division of prize money, because I was ignorant upon what foundation the Field Officers of the Army had entered into any agreement with the Naval Officers. I remain yet a stranger to the particulars, and can only beg to refer your Excellency to the parties. With respect to myself, I shall only expect what the law justly entitles me to.

I have the honour to be,

&c. &c. &c.

His Excellency
Sir H. CLINTON.

Signed,

M. ARBUTHNOT.

[H]

New York, May 8, 1781.

SIR,

I have had the honour of receiving your Excellency's letter of the 4th inst. From the Correspondence which was carried on at Charles Town between some of the Captains of his Majesty's ships of war, styling themselves Representatives for the Navy, and some of the Field Officers on the part of the Army, concerning the distribution of the Enemy's property captured in Carolina, a copy of which I have the honour to inclose, I could not possibly suppose that your Excellency was ignorant upon what foundation the Officers of the Army had entered into an agreement with the Navy Officers, or that you could be a stranger to the particulars, because it was from their

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intimation

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intimation

intimation that your Excellency's opinion of the propriety of their proposal, viz. of either receiving one half of the whole, or to refer the division of it to his Majesty, &c. &c. was so firmly fixed as to be unalterable; that the Officers of the Army acceded to the last proposition, although, in their own opinion, they were convinced a more eligible and expeditious method might have been adopted. I am persuaded there is not an individual in the Army who expected to derive a benefit to himself at the expence of the legal rights of the Navy, although he did not mean to relinquish his own; and I have been induced to give your Excellency this trouble from a conviction that I should be thought indifferent and inattentive to the rights of the Army, as well as wanting in the respect due to his Majesty, if I was to acquiesce in any distribution, more especially in that which

which has been precipitated before the Royal Pleasure has been signified or solicited by me on the part of the army ; and as I am informed, on that of the Navy, in dispatches sent to Sir Andrew Hammond, by your Excellency as Commander in Chief of the Navy on this service, I could apply to no other person but your Excellency ; and I am therefore at some loss to comprehend who it is that your Excellency means, when you say you beg to refer me to the parties.

I have the honour to be,

&c. &c.

Vice Admiral
ARBUTHNOT.

(Signed) H. CLINTON.

CHARLES TOWN, May, 1780.

Proposals from the Army. The whole captures already made, or as have been made, since the Army landed in Edisto River, or that shall be made in any part of the Country, from this time till the return of the expedition intended to be sent immediately for the purpose of collecting stores, as well as those taken afloat within the same period by any of the Fleet acting in this siege, including those ships and gallies stationed at Beaufort, and the several inland navigations, to be divided between the Navy and Army, according to their several ranks and numbers, from the signed returns of each service, in the proportions established by the Customs of the Navy in the distribution of prize money.

The Navy's Answer and Proposal.

The whole captures already made ashore since the Army landed in Edisto River, or that shall be made in any part of the country, from this time till the return of the expedition intended to be sent immediately for the purpose of collecting stores, as well as those taken afloat within the same period by any of the Fleet acting in this siege, including those ships and gallies stationed at Beaufort, and the several inland navigations, to be divided between the Army and Navy, the Army taking one half, and the Navy one half. If this mode of division is objected to, to refer the division of the whole prize property to his Majesty.

N.B. It appears by the return of the Commissaries of Captures had, &c. &c. delivered rations of fresh provisions to the Fleet serving with the Army on that expedition, gratis.

*Answer of the Army, dated May 18, 1780,
wanting.*

RICHMOND, May 19, 1780.

GENTLEMEN,

The proposal we had the honour to lay
before you yesterday by the directions of
the squadron here, we are again desired you
will consider as the opinion of the claim of
our Corps.

A. BERKLAY. }

(Signed) H. L. EVANS. }

Appointed to
represent the
Navy here.

I. ORDE. }

To the Field Officers
of the Army, &c. &c.

CHARLES-TOWN, May 19, 1780.

GENTLEMEN,

It is with much regret that we find, by your letter with which we are honoured this morning, that, upon fuller consideration, your first proposal, stands confirmed without alternative, as the claim of your corps. However disposed to avoid every thing that may bear the colour of a difference between the two corps, we conceive it to be utterly inconsistent with our duty to those we represent to agree, by halving the prize money, that the Officers and Soldiers of the Army shall not receive individually half the proportion by the mode proposed by you, will be divided amongst the Officers and Seamen of the Fleet; and the more so, when we consider that this booty

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is acquired in consequence of a siege in which the Army must naturally be supposed to have had a proportionable share of the duty. We wish also to avoid a reference home as prolonging a subject of dispute between us; as delaying the division of money very necessary for the comfort of the Soldiers and convenience of the Officers in this expensive service; and also as affording a temptation to question the right of disposing of stores at all, which, when once divided, can never be reclaimed. The sole alternative, which appears to us now to remain, we propose with pleasure, persuaded that it will be equally agreeable to the Navy and Army, which is to submit our two proposals of yesterday to the Admiral and General, and to abide by their decision. If this reference meets with approbation, we beg, in order to prevent loss of time, that
you

you will do us the honour of laying both the proposals of yesterday before the Admiral, accompanied with this letter as explanatory of our motives.

We have the honour to be,

&c. &c. &c.

(Signed)

WESTERHAGEN, Col.

ALURED CLARK, Lt. Col.

ROBT. ABERCROMBIE, Lt. Col.

PATRICK FERGUSON, Major,

As Representatives of the Army here.

To the Captains of the
Squadron in Charles
Town Harbour.

RICHMOND, May 20, 1780.

GENTLEMEN,

It was so late last night before we were honoured with your's of yesterday's date, that it was not in our power to answer it sooner. Ever disposed to assimilate our views as far as with propriety we can to those of the Army, and to preserve that unanimity so desirable between the two corps, we would most readily agree to your proposal of referring the mode of distribution to the Commanders in Chief; but, on making it known to Admiral Arbuthnot, we find his opinion of the propriety of our first proposal so firmly fixed, that he declines troubling the General on a subject on which his determination is unalterable. We therefore must

beg

beg you will signify to your corps the resolution of ours, to abide by the mode first pointed out by us.

We have the honour to be,

&c. &c. &c.

ANDREW BARLAY.

(Signed) H. L. EVANS.

J. ORDE.

To the Field Officers
of the Army,
Charles Town.

CHARLES TOWN, May 20, 1780.

SIR,

THE Field Officers of the Army, who assembled on the 17th instant, in obedience to your Excellency's order of that date, for the purpose of chusing one or more persons to adjust matters with the Gentlemen whom the Navy will appoint, and to settle the distribution to the troops according to their several ranks, having deputed us a Committee on their part to meet with the Captains of the Navy, and to agree with them upon the proportions in which the division of the prize money was to be made between the two services, we beg leave to report to your Excellency the whole of our proceedings upon the subject, by which it will appear, that the ideas of the Army and Navy,

Navy, upon their respective claims, differ so widely on the present occasion, that it can only now rest with superior powers to decide and regulate in the matter.

(Signed)

D. WESTERHAGEN, Col.

HENRY HOPE, Lt. Col.

J. WEMYSS, Major.

PAT. FERGUSON, Major.

His Excellency

Sir H. CLINTON, K. B.

&c. &c. &c.

*Admiral Arbuthnot's Answer after reading
the above.*

ROYAL OAK OFF SANDY HOOK, May 27, 1781.

SIR,

I am induced, by your Excellency's Letter of the 8th instant, again to assure you, that I conceive the law respecting Naval Captures to be so clear and explicit, as not to leave a doubt respecting the propriety of the distribution of the proceeds of those made at Charles Town. The Officers you allude to, at the utmost, could only agree for their own class: so far as I am personally concerned, they had no power from me: and I have always understood, that, after a conference held at Charles Town, all
thoughts

thoughts of reciprocal division between the Captains of the Navy and Army was dropped. I never knew of letters or dispatches concerning it being written to Sir Andrew Hammond.

Your Excellency, I am apprehensive, has been misinformed respecting the power of a Naval Commander in Chief, as it does not extend to prize matters.

I have the honour to be,

&c. &c. &c.

(Signed) M. ARBUTHNOT.

His Excellency
Sir Henry Clinton, K. P.

P. S. I am given to understand, that it is the ships and vessels only that have been disposed of.

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Here the business dropped, for Sir H. Clinton could proceed no farther in it, while the Army and Navy were acting together on the same Service, without risking altercation between them; and Admiral Arbuthnot soon after leaving the Command, Sir Henry Clinton took no further steps in it till he arrived in England in June, 1782, when his correspondence with the Treasury on the subject commenced.

October 17, 1793

SIR,

EARL CORNWALLIS having, in his Letter of the 4th of August last, mentioned to the Lords Commissioners of his Majesty's Treasury, that he believes there is a sum of money unappropriated, and which was called Prize Money, in the hands of the Commissaries of Captures who were appointed by you at the Reduction of Charles Town, I am commanded by their Lordships to desire you will acquaint this Board with the names of the Commissaries, and what money you think is in their hands.

I am, SIR,

Your most obedient,

Humble Servant,

R. B. SHERIDAN.

To Sir Henry Clinton,

&c. &c. &c.

HARLEY STREET, Nov. 6, 1783.

SIR,

I HAVE received your Letter of the 17th ult. and have the honour to inform you, that Major Moncrief, George Hay, and James Frazer, Esqrs. were appointed by me Commissaries of Captures for the Campaign in South Carolina; but, as their Commission ceased upon the Reduction of Charles Town, Lord Cornwallis had my authority to reinstate them, or appoint others, upon his taking the Field, should his Lordship find it expedient to do so.

As I did not judge it becoming for a person in the high station I was honoured with to take any share in, or emolument resulting from plunder or prizes captured
in

in such a war, I left it entirely to the Army to appoint their own Agents to attend to their interests therein. The Field Officers, therefore, who were deputed by the Army for that purpose, did appoint Agents, who acted altogether under their directions.

But, as it is my wish to give to their Lordships every information in my power, I request you will please to inform them, that I have heard that Mr. Hay (who was one of the Agents), had remitted to England about ten thousand pounds of the money arising from the sale of captures made in Charles Town; and that Mr. Green (Secretary to Admiral Arbuthnot), who was employed on the part of the Navy, received a very considerable sum more. With respect to what has been done with
this

this money I must beg leave to refer their Lordships to Col. Abercrombie, of the 37th Regiment (who was generally President of the Boards who met on that business) for information respecting the first, and to Vice Admiral Arbuthnot (who commanded his Majesty's Fleet in North America at that time) for the other.

I have likewise the honour to enclose, for their Lordships' further information, Copies of a Report made to me by a Board of General and Field Officers whom I directed to give me their opinion on the disposal of doubtful captured property, and of the appointment I made of Trustees in consequence.

I beg, also, to mention, that, on my leaving Charles Town, I transmitted to

Lord

Lord Cornwallis all the Memorials and Claims which had been made to me by fundry inhabitants, and left his Lordship full power to act in every thing as he should judge most conformable to justice and the interests of the King's Service.

I am, SIR,

Your most obedient,

And most humble Servant,

H. CLINTON.

ORWELL PARK, SUFFOLK, Sept. 16, 1785.

SIR,

THE repeated applications I daily receive from the Officers and Soldiers of the Allied Foreign Troops who served under my command at the siege of Charles Town respecting their share of the prize money resulting from the sale of the Rebel property captured on that expedition, lay me under the necessity of troubling you once more on the subject. As my Memorial to the Lords of his Majesty's Treasury, dated the 3d of last January has very freely stated the grounds of the claim in question, I shall only beg leave, at present, to inclose a duplicate of it for information, and to repeat my request that you will endeavour to obtain, as soon as possible, their Lordships'

ships' decision thereon. The favourable ear you were pleased to give to the several conversations I have had the honour of having with you on this subject, and the sense you appeared to have of the hardships the troops suffered by being kept out of this money, induced me to hope that you would have early interested yourself, and obtained for them what in justice you yourself must think they are entitled to. Their case is certainly peculiarly hard, and they feel it with double aggravation, from the reflection that the Fleet serving with them on the same expedition have received their shares of the captures above four years since. These persons have no one to look up to for redress but their Commander in Chief, and I shall certainly ever esteem it my duty to do all that lies in my power to procure it for them. Should their Lord-

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ships,

ships, therefore, not think proper to take some measures for this purpose, I shall, in my own vindication, be under the disagreeable necessity of publishing my correspondence with the Board of Treasury on the subject, that all concerned may be satisfied that I at least have not been wanting in my endeavours to obtain for them their due.

I need not repeat, Sir, that the sum is only about £.10,000. nor will it be the least necessary to assure you that I have no other concern in it than what arises from my desire of serving the Officers and Soldiers who served with me at the Siege of Charles Town, for I understand that all above that rank have declined receiving any share of so trifling a sum.

I have the honour to be,

&c. &c.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury.

Duplicate of a Memorial of Sir Henry Clinton, K. B. Lieutenant General of His Majesty's Forces,

Sheweth,

T H A T, previous to, and at the Surrender of Charles Town in May, 1780, fundry Rebel property was captured by the Fleet and Army serving on that expedition ; that a very considerable portion thereof being in the possession of the Fleet was shared by the Navy, and the small remainder being committed to the care of Mess. Hay and Frazer, who were nominated by the Field Officers on the part of the Army

their Agents, still remains to be disposed of; that application having been made to Memorialist by several Officers in behalf of the Soldiers under their command, soliciting his endeavours to obtain a distribution of the money in the Agents hands for their benefit, Memorialist thinks it his duty to lay this state of their case before your Lordships, and to pray that your Lordships will be pleased to issue your precept to Mess. Hay and Frazer to render a true and faithful account of the monies arising from the sale of such property which fell into their hands in consequence of their being appointed Agents for the Army, and to grant them your warrant to make a distribution of these amongst the troops serving on the expedition to South Carolina according to such shares and proportions as may be determined

mined by a Committee of the Field Officers
of those Corps to be convened for that
purpose, which is humbly submitted by

Your Lordship's most obedient,

And most humble Servant,

H. CLINTON.

Portland Place,
January 5, 1785.

PORTLAND PLACE, Jan. 5. 1785.

SIR,

I HAVE the honour to inclose a Memorial to the Right Honourable the Lords Commissioners of his Majesty's Treasury, which I request you will be pleased to take an early opportunity of laying before their Lordships.

I have the honour to be,

&c. &c. &c.

GEORGE ROSE, Esq.

&c. &c. &c.

SIR,

HAVING laid before the Lords Commissioners of His Majesty's Treasury your Letter transmitting a Copy of a Memorial presented by you in January last on the subject of some American property captured on an expedition in South Carolina which was entrusted to the care of Mess. Hay and Frazer as Agents for the Army, and requesting that they may be called upon to render an account of the same, I am commanded by their Lordships to acquaint you, that, in consequence of your said Memorial, I signified their Lordships' directions to Mess. Hay and Frazer, on the 28th of February last, that they should transmit an account of the money in question, and since the receipt of your Letter,

Letter, I received their Lordships' orders to repeat their former directions to Mess. Hay and Frazer, and wrote accordingly to them on the 25th ult. that they should lose no time in transmitting to their Lordships not only an account of the money in their hands arising from the sale of Rebel property captured on the expedition in South Carolina, but also of such as may have arisen from the sale of property captured at the Surrender of Charles Town, which, in both instances, were committed to their trust as Agents for the Army.

I am, SIR,

Your most humble Servant,

&c. &c.

GEORGE ROSE.

Treasury Chambers,

Nov. 10, 1785,

Sir H. CLINTON, K. B.

In November, 1785.

SIR,

I AM to acknowledge the receipt of your Letter, dated the 10th instant, and beg leave, at the same time, to express the pleasure it gave me to be informed that you have written to Mess. Hay and Fraser, to transmit to the Lords Commissioners of his Majesty's Treasury an account of the Rebel property, captured on the expedition in South Carolina, as well as of the money arising from the sale of what came into their possession, as Agents of prizes for the Army, by the Surrender of Charles Town; for, although I meant in the Memorial which I had the honour of presenting to the Lords Commissioners of the Treasury, to have solicited their Lordships'

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interference

interference, principally with respect to the latter, which consisted chiefly of the Rebel Frigates, military and public stores taken there, as the Agents, who had been appointed by the Officers of the Army to attend to their interests therein, had delayed to render an account of their trust, I cannot but receive great satisfaction from their Lordships having thought proper to require also an account of the provisions and other Rebel property, which were captured on the expedition, and entrusted to Mess. Hay and Fraser, in their capacity of Commissioners of Captures before the taking of Charles Town, because I flatter myself that it may be the means of evincing that a very considerable saving in salt provisions accrued to the Public from my appointment of those Gentlemen and others to that Office, and consequently that the Commissioners of Public

Public Accounts were rather hasty in asserting in their seventh report, that the orders that were issued by Earl Cornwallis on the 23d December, 1780, were the only, or the first orders of that Army which seemed to strike at abuses existing in the Commissary General's Department, for not only that appointment; but several of my orders issued many months prior to Earl Cornwallis's orders of the 23d December, 1780, were manifestly intended to obviate the abuses in question, and had they been continued in force by his Lordship after I left him in the Southern Command, would, I am persuaded, have rendered additional orders from his Lordship respecting them at least superfluous. I stated this matter very fully to the Chancellor of the Exchequer last July, when I had the honour of shewing him a Letter which I had received from Mr. Ro-

binson, then Secretary to the Treasury, in answer to my report to the Lords Commissioners early in 1780, of my having appointed Commissaries of Captures, wherein their Lordships were pleased to approve of the appointment as of the greatest importance to the Publick and to the Army; and I doubt not it will appear from thence, as well as the rest of my correspondence with the Treasury, that the Commissioners of Public Accounts had, at least, as much facility in obtaining information respecting my attentions to the Public Expenditure, as they possibly could have respecting those of Earl Cornwallis.

I am, SIR,

Your most obedient,

humble Servant,

H. CLINTON.

To George, Rose, Esq.

PORTLAND PLACE, Aug. 1, 1786.

SIR,

HAVING very attentively perused Major Hay's case, and the other papers transmitted to me by Mr. Mackdonald at your desire, I cannot possibly discover the validity of the arguments Major Hay has adduced against parting with the money which came into his hands by the sale of Rebel property taken at the Surrender of Charles Town.

If Major Hay, or the other gentlemen joined with him in my appointment of Commissary of Captures, gave Certificates during their execution of that office for any provisions issued to the Army, and if the holders of those Certificates can produce

duce justifiable reasons why their respective claims were not laid before the Board appointed by Earl Cornwallis (as I had directed) at Charles Town, for their examination and payment, I cannot doubt that the Lords of His Majesty's Treasury will render them every justice they may appear entitled to. But I must declare it to be my opinion that the money in question is not in any point of view liable to the liquidation of those, or any other claims of American Loyalists, for the reimbursement of such property as they may have lost through the operations of His Majesty's Army. For the holders of this money came into the possession of it as Agents of Prizes, to which they were appointed by the Field Officers in behalf of the whole Army, Foreign, British, and Provincial, after the
termination

termination of my appointment of them to be Commissaries of Captures (which ceased on the 12th of May, 1780, upon the Surrender of Charles Town), and, of course, as Army Prize Agents, they cannot be judged responsible for any of their transactions as Commissaries of Captures. This, however, is only the opinion of a disinterested individual; and I humbly submit it to the wisdom of the Lords Commissioners of His Majesty's Treasury, whether a Board of General and Field Officers, taken from those who served on the expedition to South Carolina, directed to hear Major Hay, and Mr. Fraser's objections to the paying the money of which they became possessed as Army Agents for the public stores and other Rebel property captured at the Surrender of Charles Town,

and

and to report thereon, may not be the most effectual means of enabling their Lordships to decide finally on this business.

I have the honour to be,

SIR,

Your most obedient,

And most humble Servant,

H. CLINTON.

Copy of Treasury Minute, 12th August,
1786.

Present,

Mr. PITT,

The MARQUIS OF GRAHAM,

Mr. ELIOT.

READ Letter from Sir Henry Clinton on the subject of several papers from Major Hay, late Commissary of Captures in America, respecting the money which came into his hands by the sale of property captured from the Americans at Charles Town; wherein Sir Henry states his observations on the subject, and submits that he cannot admit the validity of the reasons urged by Major Hay for retaining the money received by him and Mr. Frazer the other Commissary. Read memorial of Major Hay, stat-

H

ing,

and to report thereon, may not be the most effectual means of enabling their Lordships to decide finally on this business.

I have the honour to be,

SIR,

Your most obedient,

And most humble Servant,

H. CLINTON.

Copy of Treasury Minute, 12th August,
1786.

Present,

Mr. PITT,

The MARQUIS OF GRAHAM,

Mr. ELIOT.

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H

ing.

ing, that he retained the money in his hands because he conceives he is liable to be called upon for the amount of the receipts given by him for property taken from persons attached to his Majesty's Government, but that he has no objection to pay the same into the Bank upon receiving a bond to indemnify him from any further demands.

Acquaint Mess. Hay and Frazer, that my Lords are not satisfied with the reasons assigned by them for delaying payment of the money lodged in their hands, and expect immediate obedience to their orders repeatedly signified to them for payment of the same into the Bank, for which their Lordships' order will be sufficient satisfaction to them without any special indemnity.

*Minutes of the Treasury Board, sent to
Sir H. Clinton.*

READ Letter from Major Hay, acknowledging the receipt of Mr. Steel's Letter of the 31st August, respecting the payment of the money remaining in his hands arising from property captured in South Carolina, and requesting to be allowed time till he can obtain the opinion of Council respecting his being liable to the payment of the receipts given by him for such part of the property as belonged to persons attached to His Majesty's Government.

Write to Major Hay, acquainting him that unless he pays into the Bank of England the money he has been so repeat-

edly and so peremptorily called on to pay, without loss of time, their Lordships will be obliged to give immediate directions to compel obedience to their commands, and will take such further steps as shall appear to them necessary on the occasion.

PORTLAND PLACE, June 24, 1788.

SIR,

THE many applications I am continually exposed to in this Country; and the many others which I expect to receive when I go to Hesse Cassel, relative to the Rebel property captured on the expedition and at the Surrender of Charles Town in the year 1780, induce me to take the liberty of troubling you again on that subject. Having, therefore, collected the Substance of what has been hitherto done in the business, I beg leave to inclose the paper that you may lay it before the Lords of His Majesty's Treasury, with my humble request, that they will take such further steps therein as their Lordships may judge proper; and I have

have no doubt the unpleasantness of my situation will occur to their Lordships, and will point out to them the necessity for my being furnished at least with documents from their Lordships, which I may shew or publish, to convince the troops I had the honour of commanding, that though I thought it right to disclaim, from the first, taking to myself any share of prizes in such a War, I have not been inattentive to their interests, but have done every thing in my power to procure them justice.

I have the honour to be, &c.

(Signed)

H. CLINTON.

George Rose, Esq.

FLATTERED by the tenor of the Minutes of the Treasury Board, and from the conversations I had had with Mr. Rose, that there was a probability that the Army would one day receive the long expected share of plunder arising from sale of Rebel property, provisions, and stores taken at a Siege, and of which the Navy had divided their very ample share so many years since ; indeed I was not without hopes that Government would settle some fixed plan, respecting plunder taken on conjunct expeditions, and that, in future, all discussions of this sort between the two services would be avoided. Wishing, however, to obtain some further explanation from Admiral Arbuthnot respecting that taken at Charles Town, I convened a meeting of such of the Officers of the Army as happened to be in Town, to consult with them in what manner most respectable

respectable to the Navy (as I had reason to believe that the opinion which had taken place had not met with the approbation of a single Officer of the Navy) we could proceed in the business. Subscriptions were entered into at the Agents of the 33d Reg. to be under the direction of Col. then Major Dansey, but notwithstanding there were frequent meetings, there happened to be so few Officers in town, that, though there were some resolutions made, little more was subscribed than had been lodged in the above Gentleman's hands by the Commander in Chief, some Gentlemen who had been of his family during the War, and Major Dansey.

Thus circumstanced, I contented myself with endeavouring to recover for the Army what I thought had been very unwarrantably detained from them by persons appointed their Agents.

UPON a Review of the proceedings relative to the Rebel property which was captured by His Majesty's Troops under the command of Sir Henry Clinton on the Expedition and at the Surrender of Charles Town in the year 1780;

It appears, by the instructions and Commissions given to Major Moncrief and Mess. Hay and Frazer, those Gentlemen were appointed Commissaries of Captures for the purpose of converting to the good of His Majesty's service, and to the use, convenience, and benefit of the Army, all moveable property which might be captured from the Enemy or found on deserted Plantations; with orders occasionally to issue fresh provisions to the Troops and Seamen

of the Fleet serving on the Expedition * from the Cattle collected in the Country (which, not being purchased but taken from the Enemy, it was the General's intention should be carried to the credit of the Public by causing a proportionable saving of the King's Provisions), and to keep Books of Receipts and Issues, the first specifying at what dates, from whom, and in what manner, the several articles of property were taken; and the latter, in the same manner shewing the Expenditure; and, where friends of Government happened to be the Owners of captured property, the Commissaries were directed to give them

* It appears by the returns of the Commissioners of Captures, that 36,150 rations of beef were delivered to the Navy serving on that expedition, accompanied by a Letter to the Admiral, desiring it might be given them gratis.

Receipts

Receipts or Certificates, which were to be cancelled hereafter.

To secure the beneficial purposes of this appointment to Government and the Soldiers, Sir Henry Clinton likewise directed, that, whenever the Officers commanding Corps, or the Heads of Departments, took up the Vouchers for rations issued to them in each Muster by signing a general Receipt, the Commissary General, or his Deputy, should certify, at the bottom of such Receipts, how many rations of the amount specified therein had been issued from the King's Stores under his charge, and how many from those of the Commissary's of Captures, in order that the savings in Crown Rations might be clearly ascertained; and that the stoppage of twopence halfpenny per ration should be paid,

as usual, to the Paymaster-General for the former only; it being intended that the stoppages for the latter should be paid by the respective Paymasters to Lieut. Gratton, who was appointed Treasurer, by way of forming a Fund for the relief and benefit of the soldier or his surviving family at the end of the Campaign.

It appears, by Lieut. Gratton's report, that the stoppage for fresh provisions issued to the British, Foreign, and Provincial Corps between the 24th of February and 24th of May, 1780, amounted to £.1632. 13s. 3d. $\frac{3}{4}$ or 156,680 rations; that only £.413. 1s. 7d. $\frac{1}{4}$ of that sum was ever paid into Lieut. Gratton's hands, most of the Regiments on the conclusion of the expedition having neglected to obey the order; and that Lieut. Gratton, having
paid

paid to Mr. Hay, by order from Lord Cornwallis, £.192. 4s. there remained in his hands a ballance of £.220. 17s. 7d. $\frac{1}{2}$ subject to an allowance of 10s. per day to himself for the time he acted; and consequently that the 7th, 23d, 33d, 63d, and 64th Regiments, being the only Corps that obeyed the order, are the only ones which have benefited by Sir Henry Clinton's intentions, as the stoppages from the rest (it is presumed) were of course returned back to the men.

It appears, by sundry returns from the Deputy Commissary-General, the Commissaries of Captures, and Lieut. Gratton, that the Army in Carolina, and the Fleet serving on the Expedition to Charles Town, were occasionally fed with fresh provisions either taken from the Enemy or found on
deserted

deserted Plantations, to a very considerable amount; that the different Departments were supplied from the same sources with negroes, oxen, horses, forage, and plank, in great abundance; and that the necessary military operations, both of the Field and Siege of Charles Town, were greatly facilitated by sundry supplies from the Stores under the Commissaries of Captures; all which must have caused a prodigious saving to the Public, even for the time. Sir Henry Clinton's orders and intentions are known to have been carried into execution; and perhaps savings equally great in proportion may be discovered on examining into the transactions of the subsequent period; and it is taken for granted, that the Public has been credited for the fresh provisions issued to the Fleet as well as the Army,

Army, as Sir H. Clinton requested at that time.

It appears that every precaution was taken by Sir Henry Clinton to obviate the possibility of Loyal Subjects being injured by an indiscriminate capture of property, orders having been left by him for Earl Cornwallis, on his quitting Charles Town, that all Certificates, or Receipts given by the Commissaries of Captures for cattle and forage should be called in by Advertisement, or Proclamation; and, as soon as the loyalty of the holder, and value of the property, could be admitted and ascertained by a Board to be appointed for the purpose, that warrants for payment should be issued by the General Officer commanding in the Southern District, or the Commandant of Charles Town: with respect to other doubtful

ful property, either captured or found on Deserted Plantations, Sir H. Clinton had appointed Trustees to collect, and keep in their custody, all such property, until they received his further orders, that sufficient time might be allowed for Claimants to appear, and strict justice might be rendered to the lawful proprietors. And it appears that the said Trustees did collect into their custody a considerable quantity of Indigo and other captured property of the above description; that the greatest part having been removed out of their hands by Colonel Balfour the Commandant's orders to be restored (it is presumed) to the lawful owners, the remainder was sold, and that the amount, being £.885. 12s. has been paid into the Treasury by Lieut. Gratton, one of the Trustees.

- which was of Captain Balfour's estate. It

It also appears, that, besides the captured property of the above description that were taken at the Surrender of Charles Town, several armed Ships and Merchantmen, which, with their furniture and contents, lay at the Wharves, and a considerable quantity of gunpowder, military stores, grain, and provisions, and sundry valuable articles belonging either to the usurped Government or to Individuals in Rebellion, which were stored in houses in different parts of the Town, that the Army, thinking they had a just claim to a fair proportion of these prizes, appointed Deputies to treat with the Officers of the Fleet respecting a division; and some difference of opinion having arisen, it was agreed to refer it to the decision of His Majesty.

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That

That an Agent having been appointed by the Fleet who took into his possession and libelled for them as the lawful captors the ships at the Wharves with their furniture and contents, besides a considerable quantity of cordage, gunpowder, and other effects, the whole, as it is reported, yielding on sale above £.30,000; the Army, by their Deputies, thought it right to appoint Mess. Hay and Frazer to be their Agents, who, under the sanction of that appointment, got into their hands all the remaining Rebel Property, either captured during the Expedition, or found in the Store-houses in Charles Town, amounting, as they acknowledged, to the value of £.10,000. so that, according to this statement, the Fleet, being not more than one fourth of the number having claimed half the captures got into their possession, and shared
three

three fourths, while the Troops remain unbenefited even by the fourth, their Agents laid hold of, though in number they formed two thirds of the Force employed on the Expedition.

It appears that said Agents have never yet rendered to their Constituents any account of their proceedings; but it being known that they received £.4000. for provisions sold to the Commissary General, and they themselves having acknowledged that they have in their hands £.10,000. arising from the sale of Rebel Property, sundry applications were made to the Lords of the Treasury by Sir H. Clinton, in behalf of the Army he commanded, requesting their Lordships would be pleased to issue their precept to Mess. Hay and Frazer to render a

just account of their trust, and to pay into the Bank of England whatever monies they are possessed of arising from it, which it appears, by the Treasury Minutes, that their Lordships have repeatedly done; yet those Gentlemen have hitherto contrived to evade the order under a pretence that they are liable to be called upon for the outstanding Receipts, and Certificates, which they may have given in their capacity of Commissaries of Captures, and likewise for such claims as may be instituted by Loyal Subjects against the property they were possessed of as Agents to the Army, and consequently that it will not be safe for them to part with the money for which they sold it until they are indemnified by their Lordships.

Now, it having appeared that Sir H. Clinton caused proper provision to be made for calling

calling in and discharging such Receipts and Certificates, and it being to be presumed that the holders could not have been so inattentive to their own interests as to neglect making their claims while the British Troops were in possession of Charles Town, there is little probability that there are any Receipts still outstanding. But, if there should, Mess. Hay and Frazer being as Commissaries of Captures only the furnisher of the Voucher, not the payer, can never be responsible, much less can the property be so, which came into their possession as Agents to the Army. And as little likelihood exists that any part of that property can be now subject to claims of Loyal Subjects, it being probable that all the Captured Property, liable to such claims, was given up to Trustees agreeable to Sir Henry Clinton's orders, and disposed of as accounted for by

Lieutenant

Lieutenant Gratton to the Lords of the Treasury.

It, therefore, appears, that the plea of Mess. Hay and Frazer is altogether nugatory, and that great injustice has been done by them to the Army on the Expedition against Charles Town in withholding the money arising from the sale of Captured Property so long.

SIR,

HAVING laid before the Lords Commissioners of His Majesty's Treasury your Letter of the 24th June last, on the subject of the non-payment of the money received by Mess. Hay and Frazer arising from the Rebel property captured on the Expedition, and at the Surrender of Charles Town in the year 1780, I am commanded by their Lordships to acquaint you that they have ordered a Letter to be written to Mess. Hay and Frazer, directing and requiring them to pay into the Bank of England the balance in their hands arisen from the said property on or before the 1st of February next, and further signified to them, that if this final order of the Board is not strictly and punctually complied with, that immediate orders will be given to the Law Officers of the

Crown

Crown to take the necessary steps to compel
them to account and payment.

I am, SIR,

Your most

humble Servant,

S. STEELE.

Treasury Chamber,
4th Dec. 1788,
Sir H. CLINTON.

SIR,

I AM commanded, by the Lords Commissioners of His Majesty's Treasury, to acquaint you, that, in pursuance of directions from their Lordships, the Barons of the Exchequer in Scotland have ordered the papers relative to the balance remaining in the hands of Major George Hay, as Commissary of Captures arising from American property taken by the Fleet and Army previous to the Surrender of Charles Town, to be laid before the Lord Advocate of Scotland, with a recommendation to his Lordship, to cause the necessary steps to be taken against

L

Major

(74)

Major Hay for obtaining an account and
payment of the monies he holds,

I am, SIR,

Your most obedient,

Humble Servant,

(Signed) T. STEELE.

Treafury Chambers,
11 Aug. 1790.

SIR HENRY CLINTON, K. B.

January, 1792.

SIR,

WHEN it was first represented to me that Major Hay (who was appointed their Agent by the Army serving at the Siege of Charles Town in the year 1780) had not only neglected to publish a proper account of the fundry public stores, &c. belonging to the Enemy, which he had possessed himself of after the Surrender in virtue of that appointment, together with the respective sums of money for which he sold them, but had even avowed a resolution to retain in his own hands the whole amount, I judged it to be a duty incumbent upon me, as their then Commander in Chief, to endeavour to procure them justice by laying a state of their singular case before the Lords

of His Majesty's Treasury, and imploring for them their Lordships' interference and protection. And the Treasury Minute which you were pleased to send me in 1786 in consequence of their Lordships' order, had flattered me into a belief that the most effectual measures would be immediately taken to compel Major Hay to render the account required, and pay the money he had so long unjustly withheld into such safe hands as their Lordships should direct. But five years having now elapsed since I have been favoured with further information respecting this business, and being daily exposed to anonymous applications and other insults from persons who esteem themselves aggrieved by so long a delay of justice, I hope their Lordships will have the goodness to pardon me for again troubling them. I accordingly beg leave to request that you will take
a fit

a fit opportunity of laying before my Lords the inclosed anonymous Letter, being only one out of many scores which I have received respecting the Charles Town prize money, from which, it would seem, that Major Hay shews but little regard to their Lordships' mandate. As I am persuaded that their Lordships will be inclined to pay attention to it, the more especially, when they are pleased to recollect that the Navy who served on the same Expedition received their very large share while the Army have never yet received any, and have been ever since in vain soliciting a distribution of only one fourth, I need not repeat to you, Sir, for their Lordships' information, that I am not prompted to stir in this business by any personal interest whatever. For as I did not at any time think that it became the very high situation in which I then stood as

His

His Majesty's sole Commissioner and Commander in Chief, to share in any plunders taken in such a war, I had very early declared my resolutions not to accept of any. I consequently appear before their Lordships only an advocate for the interests of the Army I had the honour to command; and I most sincerely wish my ability to obtain them justice had been equal to my inclination. I console myself, however, with the consciousness of my having done every thing towards it that was in my power; and still retain a hope that their Lordships will not suffer those brave men to lament much longer the delay of it.

I am, Sir,

&c. &c.

H. CLINTON.

SIR,

IN consequence of the representation made by you on the subject of the money in the hands of Major Hay, arising from the sale of sundry public stores taken from the enemy by the Army under your command in Carolina, orders were given to the Solicitor to this Board in February, 1790, to take the necessary steps for compelling that Gentleman and Mr. Frazer to account for the sums received by them, and on a statement that Mr. Hay resided in Scotland, (consequently out of the jurisdiction of the Courts here), directions were given in the month of April following, to the Barons of the Exchequer in Scotland, to use the most effectual means in their power for recovering the money, subsequent to which
there

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there

there has been a correspondence between the Lord Advocate of this Office on the subject; and I have now the honour of enclosing to you the last letter from him respecting the business, which was received this morning, as that will shew you the state of the cause, and will, I hope, convince you that no endeavours will be wanting to bring it to a termination.

I have the honour to be,

SIR,

Your most obedient,

And very humble Servant,

(Signed) GEORGE ROSE.

Treasury Chambers,
Jan. 13, 1792.

H. CLINTON.

EDINBURGH, 9th Jan. 1793

SIR,

IN obedience to the desire of the Lords Commissioners of His Majesty's Treasury, signified to me in your letter of 5th inst. I now transmit you, for their information, a state of the proceeding against Major George Hay, made up by Mr. Mackenzie, the Attorney for the Crown in the Court of Exchequer here.

I have only to add, that their Lordships' may rest assured this business will be brought to a conclusion as speedily as the forms of Court will admit.

I am,

your obedient, and

very humble Servant,

R. DUNDAS.

Charles Long, Esq.

M

Advocate General, Informant,
In the Exchequer. v.
Major Geo. Hay, Defendant,

By English Bill for the Recovery of an Arrear of Money due by him to the Public.

State of the Proceedings.

THE above Bill was exhibited in Whitsuntide Term last, being the first Term after the papers were transmitted to the Attorney for the Crown. The Defendant on motion, obtained time for putting in his answer till the 20th June, in the next Term (Lammas); and it was within a few days of the end of that Term before his answer was actually put in. This answer appearing insufficient, exceptions were immediately

immediately taken to it on the part of the Informant, and these exceptions set down for hearing on an early day in the succeeding Martinmas Term. The day before that on which the exceptions were to be argued, the Defendant agreed to put in a further answer; and, upon application to the Court, was indulged with time for putting in that further answer till the 10th of January instant.

HENRY MACKENZIE.

Exchequer Office, Edinburgh,
9th Jan. 1792.

LORD ADVOCATE.

EDINBURGH, 20th July, 1792.

SIR,

IN reply to your favour of the 16th, which I had the honour to receive by last post, I beg to inform you, that the present state of the prosecution against Major Hay is this : The Bill filed against him, amongst other things, calls upon him to say what interest or profit he has gained on the public money in his hands. In the Major's answer there is no mention of interest, on which account an objection was taken by the Lord Advocate on behalf of His Majesty, which, having been argued before the Barons, the Major undertook to amend his answer; and various days have been assigned to him for that purpose during the

two

two last Terms; but his health has been so very bad as to disable him from doing business many months past; which repeated attestations have been produced from medical men of the first reputation; and, as the state of interest can only be made out by himself, or under his own immediate direction, there has been a necessity for enlarging the time until he shall be so far recovered, as to be able to make up the account. He stands at present under a peremptory order to have his amended answer delivered during the present vacation; and, I hope, nothing will interfere to prevent a decision in the beginning of next Term.

The Lord Advocate has every inclination the parties interested could wish to promote the dispatch of this business; and,

and, they may be assured, the Court will
admit of no unnecessary delays.

I am,

most respectfully,

SIR,

your obedient and

humble Servant,

JA. LOCH.

*Copy to the Lord Advocate, July 26, 1792,
from Mr. Rose, at Cuffnells.*

MY DEAR LORD,

I DO assure you the business respecting the money in the hands of Major Hay is as anxious a one as can occur on account of the number of Claimants interested in it, and the *extreme distress* of some of them. The share of the Navy was distributed several years ago, and many Officers of the Army have incurred debts on the prospect of receiving their share, for which they are now actually in prison. I cannot describe to you how painful it is to have these circumstances constantly urged without being able to say to the Gentlemen who solicit on behalf of these unfortunate Officers

when

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when

when the money will probably be forthcoming. Is it not possible to recover the principal sum immediately? About that there can be no dispute; the interest may be obtained afterwards.

I am,

MY DEAR LORD,

Very faithfully yours,

G. R.

Extract of a Letter from the Lord Advocate to Mr. Rose, dated Edinburgh, 31st July, 1792.

MY anxiety to bring Major Hay's business to a conclusion has not been less than yours, and no exertion has been wanting on Henry Mackenzie's part and mine to attain that object. For some time past he has been dangerously ill; and on that ground the Court indulged his Attorney and Counsel with a delay till the first of October, the earliest day I could procure for his delivering in his answer; to which I am to reply by the first day of the ensuing Term in November, and the cause then to proceed to determination.

*Extract of a Letter from Mr. Rose to the
Lord Advocate, dated Treasury Chambers,
August 17, 1792.*

IT may, perhaps, be useful to you to see all the proceedings of this Board on the subject of the money in the hands of Major Hay. You will observe in those, that the Lords of the Treasury offered him an indemnity on his paying the balance in his hands; they wish to enforce it solely for the benefit of those individuals to whom he says he is only accountable. I have already stated to your Lordship how extremely distressed they are; and I am sure I need not add any thing more to induce you to use your utmost diligence.

*Extract of a Letter from Mr. Mackenzie to
Mr. Rose, dated Exchequer, Edinburgh,
15th December, 1792.*

THE Defendant, Major Hay, has been for some time past in a deplorable state of health, which considerably affected his mind, and made it, I believe, truly and without affectation impossible for him to attend to any business. On this ground he made various applications to the Court for delays, which were never granted; however, without affidavit of his situation and the grounds of such application being canvassed by Lord Advocate. These indulgences of the Court put off the coming in of his amended answer till this time, which is now setting. This answer ended with a *Demurrer* to that part of the Bill which prayed a disclosure of

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the money received by him, otherwise than as Commissary of Captures, on the ground of his being only accountable to the Army and not to the Crown for the prize money which belonged to the Army by a grant from Sir H. Clinton; authorised to make such grant by his commission as Commander in Chief. Though I have no doubt of this Demurrer being bad, and that it must be overturned, yet, it must be argued, for which purpose I set it down for the very first open day, Tuesday next the 18th. Our sense of the hardships which the Subaltern Officers of Sir Henry Clinton's Army suffer from the delay, would naturally incite us to every measure of expedition in our power. I am sorry, however, to repeat what I once mentioned before, that I fear their share of this money, even if it were recovered, would be extremely trifling. Several officers

cers of the higher ranks have by Letter assigned their shares to Major Hay; and to some of them I understand, he actually paid value; that, however, is not my present business to consider.

*Copy to Mr. Mackenzie, dated Dec. 1792,
Treasury Chambers.*

DEAR SIR,

THE situation in which you describe Major Hay to be makes the pressing him for payment of the money a most painful and distressing task, but no one of us has a right to indulge our feelings of humanity at the expence of others, especially when the parties stating themselves to be deeply injured are themselves suffering the keenest distress, many of them actually, as represented to me, in gaol, and wanting the common necessaries of life. Under these circumstances, I conceive any forbearance would be unjust, and shewing a lenity we have no justification to indulge ourselves in.

I am

I am persuaded, therefore, the Lord Advocate and yourself, will use *every possible exertion* to bring the suit to a speedy issue.

There cannot be a shadow of a doubt but that, in the first instance, all prizes, or plunder, taken in war, is the King's.

I am, &c.

G. ROSE.

*Copy to Mr. Rose from Mr. Mackenzie, dated
Exchequer, Edinburgh, 18th Dec. 1792.*

DEAR SIR,

ACCORDING to the appointment of which I acquainted you in my last, the cause, Advocate General, v. Major Hay, came on to-day. I was so anxious not to have a moment's delay, that I went to argument with the Solicitor General alone (the Advocate being necessarily absent), rather than put off the hearing, being confident that the Court would overrule the Defendant's Demurrer, which was overruled accordingly. The Defendant is, of course, to put in a better answer; and his Council, on our earnestly opposing delay, agreed to put in such a one as we should be satisfied with immediately. One document,

ment, they said, they must necessarily procure before putting in the answer, namely, Sir H. Clinton's Commission. To cut off all pretence for delay, we offered to procure a Copy of it for them as soon as possible. I have therefore to request the favour of you to procure me, either through the War Office, or any other proper Channel, a copy of that Commission. The moment it reaches me it shall be communicated to the Defendant's Solicitor, and his answer demanded.

I am, DEAR SIR,

with greatest regard,

your very faithful, and

most obedient Servant,

HENRY MACKENZIE.

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most obedient Servant,

HENRY MACKENZIE.

*Copy to Mr. Rose from Mr. Mackenz i
dated Exchequer, Edinburgh, 1st January,
1793.*

DEAR SIR,

I HAD just come this length from Lord Advocate's, and was to write to you at his desire, to remind you of the Copy of Sir H. Clinton's Commission, when I received yours, inclosing a Copy of a Commission to Sir Henry, dated 5th April, 1778; but, I am afraid, it is not the one principally wanted (though it is proper to have this also). The original Commission appears to be that to which this refers, "bearing date the 31st day of last month," that is 31st July. I am under the necessity, therefore, of again applying to you for a Copy of that original Commission, dated as I mentioned above,

31st

31st July, 1778, under the Great Seal, appointing Sir H. Clinton Commander in Chief in America. This my Lord Advocate, who is equally anxious with myself in this business, begs may be sent as soon as possible, that we may have the Defendant's answer in by the beginning of the ensuing Term.

I am, DEAR SIR,

with the greatest Regard and Esteem,

your very faithful,

and most obedient Servant,

HENRY MACKENZIE.

SIR,

HAVING just now been honoured with your note, inclosed to Major Doyle, I hasten to inform you, that I have lately had three interviews with Mr. Rose, who continues to profess the strongest inclinations to push the business of the Charles Town Army. Mr. Pitt refuses to accede to my request that part of the money claimed by us should be advanced by the Treasury; but he declares that every thing shall be done on his part to bring the matter to a speedy issue. Mr. Rose sent me word, yesterday, that he had received letters from Scotland, stating that Major Hay lies dangerously ill, and is soliciting for a further delay; but he, Mr. Rose, wrote immediately, insisting that no longer indulgence should

should be allowed him. Copies of this correspondence had been made out for me; but, in the great hurry of the business at the Treasury, yesterday, they were mislaid. Mr. Rose assures me, that I shall have these papers in a few days, as well as the purports of the answer to his late letter, which he expects to receive by Monday next. As you, Sir, propose to be in Town about that time, I shall have the honour of waiting on you with every information I may be able to collect. Should our efforts in the present mode of seeking redress be ineffectual, it is alone on the continuance of your generous exertions, that a deserving and loyal body of men must place all their hopes of ever succeeding. Mr. Hovendon (with whom I am totally unacquainted), shall be informed of what you are pleased

to

to commision me to tell him; and I have
the honour to be, with great respect,

SIR,

your most obedient,

and very humble Servant,

(Signed) JAS. THOMPSON.

Lord Rawdon's, St. James's Place,
Jan, 2, 1793.

SIR HENRY CLINTON.

SIR,

I HAVE received your letter of the 7th instant, informing me that you had laid my Memorial before the Lords Commissioners of His Majesty's Treasury, and acquainting me, that their Lordships could not grant me any further indulgence, in complying with the decree of the Court of Exchequer in Scotland pronounced against me for payment of a balance due by me as Commissary of Captures of £. 9,200.

I can only answer, that most chearfully would I comply with said decree, but I am rendered utterly incapable by most unforeseen losses and misfortunes,

In this situation, all I can do is to make a fair surrender of every thing I have, which
shall

shall be faithfully done ; for which case I hope, in justice and consideration of the services I have rendered the Publick, I may at least have a personal protection, which would enable me to collect any debts due me in Scotland, and which shall be faithfully, as received, paid into the Exchequer, [under the inspection of the Lord Advocate of Scotland, or whoever he may appoint.

I am, SIR,

your most obedient,

humble Servant,

(Signed) GEORGE HAY.

Queen's Square, 10th
June, 1793.

GEO. ROSE, Esq.

IT will be seen, by the Decree of the Court of Exchequer in Scotland, that Major Hay was ordered to pay the money, and the month of May fixed for payment. About April Major Hay (I was informed) appealed to the House of Lords, but afterwards withdrew his appeal; memorialised the Lords of the Treasury, setting ('tis presumed) forth his services, as Commissary of Captures, appointed by me in February, 1780, and acting under my instructions; in which Commission he, no doubt, conducted himself well, as appears by the Treasury Letter to me, which, in justice to him, I shall give a printed Copy of at the end of this pamphlet. It appears by a Copy of this Letter, dated June 1793, that he had presented his memorial to the Treasury. Sir H. Clinton, subsequent to this, had a conversation with Mr. Rose, re-

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